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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,329	08/29/2001	Charles Buckley	BLD920010026US1	6579
23550	7590	11/05/2004	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 3 E-COMM SQUARE ALBANY, NY 12207			REILLY, SEAN M	
		ART UNIT	PAPER NUMBER	
		2153		

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/941,329	BUCKLEY ET AL.
	Examiner Sean Reilly	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 August 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

This office action is a first action on the merits of this application. Claims 1-26 are presented for further examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 2 recites the limitation "the hardwired network" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al. (U.S. Patent Number 6,691,154, hereinafter "Zhu") in further view of Isfeld et al. (U.S. Patent Number 5,483,640, hereinafter "Isfeld") and Sarin et al. ("Computer-based real-time conferencing systems", hereinafter "Sarin").

In considering claims 1, 2, 4, 5, and 7, Zhu discloses a method for managing a plurality of console devices over a network, comprising the steps of:

- providing a plurality of console devices interconnected over a network (Col 2, lines 63-65);

- checking an availability of one of the console devices (Col 4, lines 1-6);
- requesting a shared session of the checked console device (Col 4, lines 5 - 6);
- starting the shared session (Col 3, lines 55-58) via an addressable connection (Col 3, lines 54-55);
- accessing the console device on a peer to peer basis over the network during the shared session (Col 5, lines 42-47). [It is noted by the examiner that the term “peer to peer” as used in the claims does not follow the traditional definition used by one of ordinary skill in the art. As defined in the applicants’ specification, a connection created on a “peer to peer” basis occurs when a user remotely controls a console device as if he or she was actually sitting in front of that console device.]
- performing system console access of the console device (Col 5, lines 42-47).

In considering hybrid networks, while Zhu discloses a method for managing a plurality of console devices over a network as discussed above, Zhu fails to discuss the use of a *hybrid network*. However, the use of various network connections such as Ethernet, serial, etc. connected in a hybrid form is well known in the art as evidenced by Isfeld. Isfeld discloses a hybrid network system (Col 4, line 56) that uses numerous network connections including serial port networks (Col 4, line 62 – Col 5, line 4). Thus, given the teaching of Isfeld, it would have been obvious to one of ordinary skill in the art to design the Zhu system to incorporate various network connections in a hybrid form, in order to accommodate multiple networking and console devices which use different types

of network interfaces given that Zhu discloses that the system can be implemented using other computer systems and/or computer architectures (Zhu Col 7, lines 9-10).

In considering the creation of shared remote control sessions, while Zhu discloses a method for requesting a shared session of the checked console device, Zhu fails to disclose requesting a shared session of the checked console device from *a current user* of the console device. However, it is widely known in the art that there are various methods for creating collaborative-shared sessions as evidenced by Sarin. Sarin discloses a collaboration system where users request to join a collaborative-shared session and the request is approved or denied by a participant in the currently in the session (Sarin pg 38, Col 1, ¶ 1). Thus, given the teachings of Sarin, it would have been obvious to one of ordinary skill in the art to design the Zhu system to allow a user already connected to a console device to accept or reject another user's request for a shared session, in order to allow a user already connected to a console device to restrict access to the shared session on a case by case basis.

In considering claim 3, Zhu discloses the method of claim 1, where the shared session is started from a remote location (Col 2, lines 19-21).

In considering claims 6 and 8, Zhu discloses the methods of claims 1 and 7 wherein the console devices are computer systems (Col 2, lines 19-21).

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al. (U.S. Patent Number 6,691,154, hereinafter "Zhu") in further view of Isfeld et al. (U.S. Patent Number 5,483,640, hereinafter "Isfeld") and Thompson et al. (U.S. Patent Application Publication Number 2002/0075303, hereinafter "Thompson").

In considering claims 9-11, Zhu discloses a method for managing a plurality of console devices over a network, comprising the steps of:

- providing a plurality of console devices interconnected over a network (Col 2, lines 63-65);
- requesting a shared session of one of the console devices (Col 4, lines 5 - 6);
- starting the shared session (Col 3, lines 55-58) via an addressable connection (Col 3, lines 54-55);
- accessing the console device on a peer to peer basis over the network during the shared session (Col 5, lines 42-47)
- performing system console access of the console device (Col 5, lines 42-47)

In considering hybrid serial port networks, while Zhu discloses a method for managing a plurality of console devices over a network as discussed above, specifically over an addressable IP-based network such as the internet (Col 3, lines 54-55), Zhu fails to discuss the use of a *hybrid serial port network*. However, the use of various network connections such as Ethernet, serial, etc. connected in a hybrid form is well known in the art as evidenced by Isfeld. Isfeld discloses a hybrid network system (Col 4, line 56) that uses numerous network connections including serial ports (Col 4, line 62 – Col 5, line 4). Thus, given the teaching of Isfeld, it would have been obvious to one of ordinary skill in the art to design the Zhu system to incorporate a hybrid of network connections, including Ethernet and serial port networks, in order to accommodate multiple networking and console devices which use different types of network interfaces given

that Zhu discloses that the system can be implemented using other computer systems and/or computer architectures (Zhu Col 7, lines 9-10).

In considering the creation of shared remote control sessions, while Zhu discloses a method for requesting a shared session of one of the console devices, Zhu fails to disclose *a current user* of one of the console devices inviting a new user to join a shared session of the console device. However, it is widely known in the art that there are various methods for creating collaborative-shared sessions as evidenced by Thompson. Thompson discloses a collaboration method where a user in a collaborative shared session invites other users to join the shared session (Thompson ¶115, lines 16-21). Thus, given the teachings of Thompson, it would have been obvious to one of ordinary skill in the art to design the Zhu system to allow a user already connected to a console device to invite another user into a shared session, in order to allow a user already connected to a console device to notify other users that a shared session exists and that their presence is requested.

4. Claims 12, 15-18, 20, 21-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paroz et al. (U.S. Patent Number 6587125, hereinafter “Paroz”).

In considering claims 12 and 20, Paroz discloses a system for managing a console device in a network, comprising:

- a system server (web server) (Col 7, line 50);
- a terminal concentrator server connected to the system server (mediator) (Col 7, line 49);

- a console device connected to the multiplexer (first computing device 17) (Col 7, line 53);
- a program product stored on the system server for allowing users to open a shared session and access the console device (mediator) (Col 7, line 49);

Although, Paroz does not expressly state a multiplexer, the functionality and use of multiplexers in a computer network is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to include a multiplexer in the network between the terminal concentrator and the console device in order to reduce the number of connections needed between the console devices and server.

In considering claims 15 and 24, Paroz discloses that the system server and console devices are connected via an addressable connection (Col 7, line 54). It is inherent that any added networking components in the system, such as a multiplexer as described above, would be connected via an addressable connection, since Paroz uses addressable connections end to end in his system (Col 7, lines 47-54).

In considering claims 16 and 22, Paroz discloses the systems of claims 12 and 20 wherein the console device is a computer system (Col 6, line 65).

In considering claims 17 and 21, Paroz discloses the systems of claims 12 and 20 wherein the shared session is opened via an addressable connection (Col 7, lines 48-51).

In considering claim 18, Paroz discloses the system of claim 1, wherein the console device is accessed by the users on a peer to peer basis (Col 7, lines 1-4).

5. Claims 13-14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paroz et al. (U.S. Patent Number 6587125, hereinafter "Paroz") as applied to claims

12 and 20 above, and in further view of Isfeld et al. (U.S. Patent Number 5,483,640, hereinafter “Isfeld”).

In considering claims 13-14 and 23, while Paroz discloses a method for managing a plurality of console devices over a network as discussed above, specifically over an addressable IP-based network (Col 7, lines 47-54), Paroz fails to discuss the use of a *serial port network*. However, the use of various network connections such as Ethernet, serial, etc. is well known in the art as evidenced by Isfeld. Isfeld discloses a hybrid network system (Col 4, line 56) that uses numerous network connections including serial ports (Col 4, line 62 – Col 5, line 4). Thus, given the teaching of Isfeld, it would have been obvious to one of ordinary skill in the art to design the Paroz system to incorporate a variety of network connections, including serial port networks, in order to accommodate multiple networking and console devices which use different types of network interfaces.

6. Claims 19, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paroz et al. (U.S. Patent Number 6587125, hereinafter “Paroz”) as applied to claims 12 and 20 above, and in further view of:

- Isfeld et al. (U.S. Patent Number 5,483,640, hereinafter “Isfeld”);
- Sarin et al. (“Computer-based real-time conferencing systems”, hereinafter “Sarin”).
- Thompson et al. (U.S. Patent Application Publication Number 2002/0075303, hereinafter “Thompson”).

In considering serial port networks, while Paroz discloses a method for managing a plurality of console devices over a network as discussed above, specifically over an

addressable IP-based network (Col 7, lines 47-54), Paroz fails to discuss the use of a *serial port network*. However, the use of various network connections such as Ethernet, serial, etc. is well known in the art as evidenced by Isfeld. Isfeld discloses a hybrid network system (Col 4, line 56) that uses numerous network connections including serial ports (Col 4, line 62 – Col 5, line 4). Thus, given the teaching of Isfeld, it would have been obvious to one of ordinary skill in the art to design the Paroz system to incorporate a variety of network connections, including serial port networks, in order to accommodate multiple networking and console devices which use different types of network interfaces.

In considering the creation of shared remote control sessions, while Paroz discloses a method for requesting a shared session of one of the console devices (Col 10, lines 54-58), Paroz fails to disclose *a current user* of one of the console devices inviting a new user to join a shared session of the console device. However, it is widely known in the art that there are various methods for creating collaborative-shared sessions as evidenced by Thompson. Thompson discloses a collaboration method where a user in a collaborative shared session invites other users to join the shared session (Thompson ¶115, lines 16-21). Thus, given the teachings of Thompson, it would have been obvious to one of ordinary skill in the art to design the Paroz system to allow a user already connected to a console device to invite another user into a shared session, in order to allow a user already connected to a console device to notify other users that a shared session exists and that their presence is requested.

In further considering the creation of shared remote control sessions, Paroz fails to disclose requesting a shared session of a console device from *a current user* of a console device. However, it is widely known in the art that there are various methods for

creating collaborative-shared sessions as evidenced by Sarin. Sarin discloses a collaboration system where users request to join a collaborative-shared session and the request is approved or denied by a participant in the currently in the session (Sarin pg 38, Col 1, ¶ 1). Thus, given the teachings of Sarin, it would have been obvious to one of ordinary skill in the art to design the Paroz system to allow a user already connected to a console device to accept or reject another user's request for a shared session, in order to allow a user already connected to a console device to restrict access to the shared session on a case by case basis.

Therefore Paroz in view of Isfeld, Sarin, and Thompson discloses a program product stored on a recordable medium for managing a plurality of console devices interconnected over a hardwired serial port network, which when executed, comprises:

- program code configured to access one of a plurality of console devices (Paroz, mediator Col 7, line 49) on a peer to peer basis (Col 7, lines 1-4) over a hardwired serial port network (Isfeld Col 4, line 64);
- program code configured to invite a user to join a shared session of one of a plurality of console devices (Thompson ¶115, lines 16-21) interconnected over a hardwired serial port network (Isfeld Col 4, line 64);
- program code configured to request a shared session from a current user of one of a plurality of console devices (Sarin pg 38, Col 1, ¶ 1) interconnected over a hardwired serial port network (Isfeld Col 4, line 64);
- program code configured to delegate control of a console device during a shared session (Paroz, Col 10, lines 64-67);

and program code configured to regain delegated control of a console device (Paroz, Col 10, lines 64-67) and (Sarin pg 38 Col 1, last ¶ completed in Col 2). Paroz does not explicitly state regaining delegated control however Sarin does explicitly state such delegation through a chairperson.

7. The prior art made of record, in PTO form 892, and not relied upon is considered pertinent to applicant's disclosure. In particular U.S. Patent Application Publications 2002/0111999 and 2004/0049524 explicitly read on the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


October 20, 2004

Bradley Goldin

Art Unit 2153